

COPY

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Attorneys for Plaintiff JASON WALTERS

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

JASON WALTERS, an individual

Plaintiff,

vs.

SAPPHIRE TECHNOLOGIES, INC., A
 MASSACHUSETTS CORPORATION;
 and RANDSTAD PROFESSIONALS
 US, LP, A DELAWARE LIMITED
 LIABILITY COMPANY,

Defendants.

Case No.:

CV11-8144 JFW (mbrn)

**COMPLAINT FOR UNPAID
 OVERTIME UNDER CALIFORNIA
 LABOR CODE, WAITING TIME
 PENALTIES, OVERTIME UNDER
 THE FLSA, AND UNFAIR
 BUSINESS PRACTICES**

DEMAND FOR JURY TRIAL

Plaintiff, JASON WALTERS, alleges:

JURISDICTION

1. This Court has jurisdiction over this matter because this complaint alleges a federal question in that violations of 29 U.S.C. § 201 et seq. are alleged.

2. This court has supplemental jurisdiction of all the State law claims under 28 U.S.C. § 1367(a). The State law claims are all related to the same facts – namely whether Plaintiff performed work and was not paid overtime wages and whether that failure to pay was willful. The failure to provide proper pay check stubs is also directly related to the FLSA claims because Plaintiff is alleging that the pay

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 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES

FILED

1 check stubs are inaccurate because they did not list the overtime required by the
2 FLSA. The waiting time penalty claim is directly related to whether the failure to
3 pay overtime required by the FLSA was willful. As such, all the claims make up the
4 same case or controversy under Article III of the United States Constitution.

5 3. This court has jurisdiction of all claims under 28 U.S.C. § 1332.
6 Plaintiff is a citizen of California and not defendant is a citizen of California. The
7 amount in controversy exceed \$75,000.

8 VENUE

9 4. This Court is the proper court and this action is properly filed in the
10 County of Los Angeles and in this judicial district because Defendants do business in
11 the County of Los Angeles, and because Defendants' obligations and liabilities arise
12 therein, and because the work that was performed by Plaintiff in the County of Los
13 Angeles is the subject of this action.

14 PARTIES

15 5. Plaintiff JASON WALTERS ("WALTERS") was jointly employed by
16 Defendants from February 1, 2008 through March 30, 2011.

17 6. Defendant SAPPHIRE TECHNOLOGIES, INC. ("SAPPHIRE") is a
18 Massachusetts Corporation doing business in the County of Los Angeles, State of
19 California.

20 7. Defendant RANDSTAD PROFESSIONALS US, LP ("RANDSTAD")
21 is a Delaware limited liability company doing business in the County of Los
22 Angeles, State of California.

23 GENERAL ALLEGATIONS

24 8. WALTERS was employed by SAPPHIRE as a technical support
25 representative and would respond to various technical issues with firewalls.

26 9. WALTERS' employment was from February 2008 to March 30, 2011.

27 10. WALTERS was paid an hourly wage of \$45 per hour but was not paid
28 any overtime for work past 8 hours in a day or 40 hours in a week.

1 11. RANDSTAD also employed WALTERS in that RANDSTAD
2 controlled the terms of WALTERS employment, including whether or not
3 WALTERS was paid overtime.

4 12. SAPPHIRE and RANDSTAD jointly maintained employment records
5 for WALTERS and jointly made decisions regarding his employment, including
6 whether or not to pay him overtime.

7 13. SAPPHIRE and RANDSTAD are staffing companies or labor supply
8 companies. That is, they hire employees but they place the employees at other
9 companies to perform their duties, similar to a "temp agency."

10 **FIRST CAUSE OF ACTION**

11 **FAILURE TO PAY OVERTIME COMPENSATION UNDER CALIFORNIA**
12 **INDUSTRIAL WELFARE COMMISSION ORDERS AND CALIFORNIA**
13 **LABOR CODE**

14 **(AGAINST SAPPHIRE and RANDSTAD)**

15 14. Plaintiff refers to and incorporate by reference Paragraphs 1 through 13.

16 15. This cause of action is brought against SAPPHIRE and RANDSTAD,
17 jointly and individually.

18 16. Pursuant to Industrial Welfare Commission Order No. 4-2001,
19 California Code of Regulations, Title 8, § 11040, for the period of Plaintiff's
20 employment, Defendants were required to compensate Plaintiff for all overtime,
21 which is calculated at one and one-half (1 ½) times the regular rate of pay for hours
22 worked in excess of eight (8) in a day or forty (40) hours in a week, and two (2)
23 times the regular rate of pay for hours worked in excess of twelve (12) hours in a day
24 of hours worked in excess of eight (8) hours on the seventh consecutive work day in
25 a week.

26 17. Plaintiff WALTERS worked more than eight (8) hours in a single
27 workday or forty (40) hours in a single workweek on numerous occasions.

28 18. Plaintiff WALTERS was entitled to the above overtime premiums.

1 19. Defendants did not pay Plaintiff premium wages of at least one and one-
2 half times Plaintiff's regular rate of pay for hours worked past eight (8) in a day.

3 20. Defendants did not pay Plaintiff premium wages of at least one and one-
4 half times Plaintiff's regular rate of pay for hours worked past forty (40) in a week.

5 21. Defendants did not pay Plaintiff premium wages of at least two times
6 Plaintiff's regular rate of pay for hours worked past twelve (12) in a day.

7 22. Plaintiff WALTERS worked at least one pay period in which he was not
8 properly paid overtime within the three (3) years prior to the initiation of this lawsuit.

9 23. Defendants know or should know the actual dates of overtime worked,
10 the amount of overtime worked, and the amount of unpaid overtime due.

11 24. As a proximate result of Defendants' violations, Plaintiff WALTERS
12 has been damaged in an amount in excess of \$39,735 and subject to proof at time of
13 trial.

14 25. Pursuant to Labor Code §§ 218.6, 510, 1194 and California Code of
15 Regulations, Title 8, § 11040, Plaintiff WALTERS is entitled to recover damages for
16 the nonpayment of overtime premiums for all overtime hours worked, penalties,
17 interest, plus reasonable attorney's fees and costs of suit.

18 **SECOND CAUSE OF ACTION**

19 **WAITING TIME PENALTIES UNDER LABOR CODE SECTION 203**
20 **(AGAINST SAPPHIRE and RANDSTAD)**

21 26. Plaintiff refers to and incorporates by reference Paragraphs 1 through
22 25.

23 27. This cause of action is brought against SAPPHIRE and RANDSTAD,
24 jointly and individually.

25 28. Plaintiff's employment with Defendants was terminated on March 30,
26 2011.

27 29. Defendants willfully refused and continue to refuse to pay Plaintiff
28 WALTERS unpaid wages as required by Labor Code § 203. Defendants know that

1 the pay is due and are refusing to pay it.

2 30. Plaintiff WALTERS requests damages and penalties as provided by
3 Labor Code § 203 in the amount of \$7,200 and subject to proof at time of trial.

4 **THIRD CAUSE OF ACTION**

5 **OVERTIME PAY AND LIQUIDATED DAMAGES UNDER 29 U.S.C. § 207**
6 **and § 216 (AGAINST ALL DEFENDANTS)**

7 31. Plaintiff refers to and incorporates by reference Paragraphs 1 through
8 30.

9 32. This cause of action is against all Defendants, jointly and individually.

10 33. Plaintiff is informed and believes and hereon alleges that Defendants are
11 subject to the provisions of the Fair Labor Standards Act. Under 29 U.S.C. § 207(a)
12 and § 216(b), Plaintiff is entitled to overtime pay at a rate of one and one-half (1 ½)
13 times the regular rate of pay for hours worked in excess of forty (40) hours in a
14 week and an equal additional amount as liquidated damages, as well as costs and
15 attorney's fees.

16 34. Plaintiff worked numerous weeks in excess of forty (40) hours.

17 35. Plaintiff was entitled to the above overtime premiums.

18 36. Defendants failed to compensate Plaintiff for any overtime premiums.

19 37. This court has jurisdiction over this cause of action because the federal
20 statute specifically grants the employee the right to bring the action in "any Federal
21 or State court of competent jurisdiction." 29 U.S.C. § 216(b).

22 38. Plaintiff worked at least one week in which overtime premiums were
23 not paid by Defendants under the Fair Labor Standards Act within the two (2) years
24 prior to initiating this lawsuit.

25 39. Plaintiff's individual employment is covered by the terms of the Fair
26 Labor Standards Act.

27 40. Plaintiff used equipment on the job that had previously been transported
28 in interstate commerce.

1 41. Defendant SAPPHIRE was the employer of Plaintiff, as the term
2 “employer” is defined in the Fair Labor Standards Act.

3 42. Defendant SAPPHIRE was an enterprise covered by the provisions of
4 the Fair Labor Standards Act for the entire time of Plaintiff’s employment.

5 43. Defendant SAPPHIRE conducted business with a total gross sales
6 volume in excess of \$500,000 for each and every twelve (12) month period in which
7 Plaintiff was employed.

8 44. Defendant SAPPHIRE employed at least two (2) employees during each
9 and every 12 month period in which Plaintiff was employed. These employees were
10 engaged in commerce and regularly used equipment that had been transported in
11 interstate commerce.

12 45. Defendant RANDSTAD was the employer of Plaintiff, as the term
13 “employer” is defined in the Fair Labor Standards Act.

14 46. Defendant RANDSTAD was an enterprise covered by the provisions of
15 the Fair Labor Standards Act for the entire time of Plaintiff’s employment.

16 47. Defendant RANDSTAD conducted business with a total gross sales
17 volume in excess of \$500,000 for each and every twelve (12) month period in which
18 Plaintiff was employed.

19 48. Defendant RANDSTAD employed at least two (2) employees during
20 each and every 12 month period in which Plaintiff was employed. These employees
21 were engaged in commerce and regularly used equipment that had been transported
22 in interstate commerce.

23 49. Defendants’ violations of 29 U.S.C. § 207 were willful and intentional.

24 50. Plaintiff prays for judgment for overtime pay of \$39,735. This amount
25 is subsumed by the overtime pay claimed in the First Cause of Action.

26 51. Plaintiff prays for judgment for liquidated damages in the amount of
27 \$39,735. This amount is supplemental to the relief requested in all other causes of
28 action.

1 52. Plaintiff prays for costs and attorney's fees.

2 **FOURTH CAUSE OF ACTION**

3 **VIOLATIONS OF CALIFORNIA BUSINESS AND PROFESSIONS**

4 **CODE SECTION 17200**

5 **(AGAINST SAPPHIRE and RANDSTAD)**

6 53. Plaintiff refers to and incorporates by reference Paragraphs 1 through

7 52.

8 54. This cause of action is brought against SAPPHIRE and RANDSTAD,
9 jointly and individually.

10 55. By failing to pay overtime premiums, Defendants' acts constitute unfair
11 and unlawful business practices under Business and Professions Code § 17200, et
12 seq.

13 56. Plaintiff WALTERS prays for restitution under this Cause of Action in
14 an amount subject to proof at time of trial.

15 **WHEREFORE**, Plaintiff prays for the following relief:
16

17 1. Damages for overtime not paid to Plaintiff WALTERS in an amount in
18 excess of \$39,735 and subject to proof at trial.

19 2. For liquidated damages in the amount in excess of \$39,735 and subject to
20 proof at trial.

21 3. For penalties and damages pursuant to Labor Code § 203 for Plaintiff
22 WALTERS in an amount of \$7,200 and subject to proof at trial.

23 4. For restitution and disgorgement for all unfair business practices against
24 Plaintiff WALTERS in an amount subject to proof at trial.

25 5. For prejudgment and post judgment interest.

26 6. Cost of suit.


27 7. Attorneys' fees.

28 8. For such other and further relief as the court may deem proper.

1
2 DATED: September 29, 2011

LAW OFFICES OF MICHAEL TRACY

3
4 By:

5 
6 MICHAEL TRACY, Attorney for Plaintiff
7 JASON WALTERS


8 **DEMAND FOR JURY TRIAL**

9 Plaintiff demands a jury trial.

10 DATED: September 29, 2011

LAW OFFICES OF MICHAEL TRACY

11
12 By:

13 
14 MICHAEL TRACY, Attorney for Plaintiff
15 JASON WALTERS
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge John F. Walter and the assigned discovery Magistrate Judge is Michael Wilner.

The case number on all documents filed with the Court should read as follows:

CV11- 8144 JFW (MRWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs)

Subsequent documents must be filed at the following location

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you

COPY

Michael L. Tracy, Esq. SBN237779
 LAW OFFICES OF MICHAEL TRACY
 2030 Main Street, Suite 1300
 Irvine, CA 92614
 949-260-9171
 mtracy@michaeltracylaw.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

JASON WALTERS, an individual

CASE NUMBER

PLAINTIFF(S)

SAPPHIRE TECHNOLOGIES, INC., A
 MASSACHUSETTS CORPORATION; and
 RANDSTAD PROFESSIONALS US, LP, A
 DELAWARE LIMITED LIABILITY COMPANY,
 DEFENDANT(S).

CV11-8144 JFW (MRW)

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Michael Tracy, whose address is 2030 Main Street, Suite 1300, Irvine, CA 92614. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: SEP 30 2011

By: SHEA BOURGEOIS

Deputy Clerk

(Seal of the Court) **SEAL**

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States Allowed 60 days by Rule 12(a)(3)]

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JASON WALTERS, an individual	DEFENDANTS SAPPHIRE TECHNOLOGIES, INC., A MASSACHUSETTS CORPORATION, and RANDSTAD PROFESSIONALS US, LP, A DELAWARE LIMITED LIABILITY COMPANY
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same) Michael Tracy SBN 237779 Law Office of Michael Tracy 2030 Main Street, Ste 1300, Irvine, CA 92614 (949)260-9171	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$ 86,670.00**

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 29 U.S.C. section 201 et seq Failure to Pay Overtime

VII. NATURE OF SUIT (Place an X in one box only)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="border: 1px solid black; padding: 2px;">REAL PROPERTY</div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS <div style="border: 1px solid black; padding: 2px;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="border: 1px solid black; padding: 2px;">IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS <div style="border: 1px solid black; padding: 2px;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability <div style="border: 1px solid black; padding: 2px;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="border: 1px solid black; padding: 2px;">CIVIL RIGHTS</div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="border: 1px solid black; padding: 2px;">FORFEITURE / PENALTY</div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act <div style="border: 1px solid black; padding: 2px;">PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="border: 1px solid black; padding: 2px;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="border: 1px solid black; padding: 2px;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Thrd Party 26 USC 7609
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CV11-8144

FOR OFFICE USE ONLY: Case Number _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s) _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s) _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A Arise from the same or closely related transactions, happenings, or events, or
☐ B Call for determination of the same or substantially related or similar questions of law and fact, or
☐ C For other reasons would entail substantial duplication of labor if heard by different judges, or
☐ D Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present

IX. VENUE: (When completing the following information, use an additional sheet if necessary)

(a) List the County in this District, California County outside of this District, State if other than California, or Foreign Country, in which EACH named plaintiff resides

☐ Check here if the government, its agencies or employees is a named plaintiff If this box is checked, go to item (b)

County in this District *	California County outside of this District, State, if other than California, or Foreign Country
Los Angeles	

(b) List the County in this District, California County outside of this District, State if other than California, or Foreign Country, in which EACH named defendant resides

☐ Check here if the government, its agencies or employees is a named defendant If this box is checked, go to item (c)

County in this District *	California County outside of this District, State, if other than California, or Foreign Country
Los Angeles	

(c) List the County in this District, California County outside of this District, State if other than California, or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District *	California County outside of this District, State, if other than California, or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X SIGNATURE OF ATTORNEY (OR PRO PER) _____

Date 9/27/2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program (42 U S C 1935FF(b)).
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969 (30 U S C 923).
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability (42 U S C 405(g)).
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended (42 U S C 405(g)).
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended (42 U S C (g)).